

Statement of
The Insurance Association of Connecticut

Labor and Public Employees Committee

February 25, 2016

SB 134, An Act Concerning Severe Mental or Emotional
Impairment and Workers' Compensation Coverage

My name is Eric George and I am the President of the Insurance Association of Connecticut (IAC). The IAC has concerns with SB 134, An Act Concerning Severe Mental or Emotional Impairment and Workers' Compensation Coverage.

SB 134 would permit compensation under the Workers' Compensation Act for mental or emotional impairment, as diagnosed by a licensed psychiatrist or psychologist, suffered by a police officer, firefighter or ambulance worker as a result of witnessing the death or maiming of other persons. While we are sensitive to the motivation for such legislation, we are very concerned about the effect SB 134 would have on Connecticut's Workers' Compensation System.

The Workers' Compensation Act Reforms of 1993 limited the availability of stress-related claims to instances where the mental injury was caused by a physical injury or occupational disease. Those limitations were properly put into place to prevent the abusive

explosion of so-called “mental/mental” claims and corresponding costs in Connecticut, as had been experienced in other states.

While SB 134 would limit the expansion of workers’ compensation benefits to cases of properly diagnosed mental or emotional disorders in certain circumstances, the subjective nature of the diagnosis and treatment of that disorder raises potential problems.

Moreover the IAC believes the current language of SB 134 would lend itself to expansive interpretation and implementation. For example, SB 134 would permit such workers’ compensation benefits for an injury suffered by “police officer, firefighter or ambulance worker visually witnessing the death or maiming, or visually witnessing the immediate aftermath of such death or maiming, of one or more human beings, whose death or maiming was caused by an act of another human being, and which is not the result of some natural cause...”.

It is not clear what is meant by the term “witnessing”, and whether the police officer, firefighter or ambulance worker must be physically present at the scene and personally see the event in question.

Also, the term “maiming” is undefined as well and could be given an extremely broad meaning. To our knowledge, the word “maim” is currently used only once in Connecticut statutes, in a section prohibiting the harming of animals.

In addition, it is not clear what constitutes the “immediate aftermath” of the death or maiming of a person and how that would impact benefit eligibility.

With all of the uncertainty related to key provisions of SB 134, and the potential for increases to overall workers’ compensation costs, the IAC requests that you reject SB 134.

Thank you for allowing the IAC the opportunity to present our position of SB 134.